

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Workshop Meeting held July 13, 2010

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:00 p.m. by Chairman William B. Hawk, on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Tom Viehman and Bryant Bernhardt, ParenteBeard; John Kerschner and George Parmer, Parmer Family Foundation; James Snyder, Snyder, Secary & Associates, LLC; Sam Robbins, Public Works Director; Mark Levine, Tara Mead, Eric Epstein, Watson Fisher, and Ted Robertson, SWAN.

Pledge of Allegiance

Mr. Blain led in the recitation of the Pledge of Allegiance.

Public Comment

No public comment was provided.

Board Member Comments

No Board Member comments were presented.

Presentation of the 3rd party review by ParenteBeard regarding the proposed solar farm at the closed municipal landfill

Mr. Viehman explained that he works for ParenteBeard, a consulting firm that has 26 offices throughout the Mid-Atlantic region. He noted that ParenteBeard is one of the largest Mid-Atlantic CPA consulting firms with a specialty in senior living services. He noted that his firm has conducted feasibility studies to find sources of revenues when senior facilities wanted to expand. He noted that the senior-living clients asked for help to determine if solar energy would be a good fit for them. He noted, at that time, it was not a good idea, but since then it has become a viable option. He noted that his firm added a renewable energy group that specializes in

photovoltaic (PV) solar energy systems. He noted that the firm is an advisor, developer, and owner, having put together \$86 million in projects with seven systems completed, four in production, and four in the planning stages.

Mr. Viehman explained that he met with Mr. Wolfe and was asked to review the solar proposal under consideration by the Township to determine its viability and financial feasibility. He noted that Mr. Bernhardt has completed a large share of the work for the study and will make tonight's presentation.

Mr. Bryant Bernhardt explained that he would discuss the high points of the presentation and then entertain questions from the Board. He noted that he reviewed the proposed site for the PV System and determine that it is feasible and an ideal location for a 3 megawatt system. He noted that the primary consideration for the site is that it is a capped landfill; therefore, a specialized non-penetrating PV System may be required to maintain the integrity of the cap. He noted that a ballasted platform system must ensure that the undulations in land area do not create any side slip, and other than these considerations, the site is ideal for a PV System.

Mr. Bernhardt noted that the primary assumption for the facility is that it could be net metered either directly or virtually. He noted that the real challenge for the project is that there is no electric service at the site; therefore, it would not qualify for net metering. He noted that the Township would have to use the power generated by the system to offset the power it would consume elsewhere within a two mile radius. He noted that the Swatara Township Waste Water Treatment Plant is not titled commonly with the Township, and as such, it could not provide net metering. He noted that the Township would have to contract with PPL to install a service at the landfill location.

Mr. Bernhardt noted that the Electric Distribution Companies (EDC) are very resistant to installing a service. He noted that they do not want to install a service, maintain it for the Township to build a PV System that will over produce electricity and then have to sell it back into the grid. He noted if PPL does agree to build a service at the landfill, and from his understanding, PPL has quoted ESI a price to do this; in many instances, it becomes cost prohibitive, and will increase the overall cost of the project.

Mr. Bernhardt explained if the Township owned a building or a water treatment plant, and built a PV System and connected it behind the meter at that location, it would slow the meter and pull less from the grid, consuming the power that it generated from the solar panels. He

noted that this was the original intent of all the laws, however, many people are building systems that overproduce with the assumption that after you build it, you can feed the excess back into the grid and according to the law, the utilities have to buy the power at the retail rate. He noted that the utility companies do not want to do this because they would be purchasing electricity from the Township at a higher rate than if they were to buy it at the wholesale market. He noted that the utility companies are pushing back on this at the legislative and PUC levels. He noted that the utility companies are lowering the price that they will pay for the excess electricity from the retail rate of five to nine cents a kilowatt hour to the wholesale rate of three to five cents per kilowatt hour.

Mr. Bernhardt noted that virtual net metering is also problematic. He noted that the meters for the Township and Swatara Township must be commonly titled. He suggested that the Township may be able to get around that with some type of leasing strategy and lease the land to Swatara Township and have them own the meter to be installed on the landfill site. He noted that the EDC's are resistant to providing virtual net metering although it is required by the PUC. He noted that PPL and MET ED are not offering this service. He noted that the Unregulated Electric Generation Suppliers (EGS) are not required to provide virtual net metering. He explained, if the Township buys default power from PPL then they have to provide virtual net metering, however, if the Township buys power from Constellation or another third party generator, then PPL does not have to provide virtual net metering. He noted that the local provider would not be required to purchase the over-produced power generator from a third party either. He noted if the Provider of Last Resort (POLR) which is normally the locally regulated EDC, agrees to virtual net metering, they only pay once a year and this would disrupt the cash flows to the Township. He noted that the excess generation would be compensated at wholesale costs versus the cost to compare or retail rate that is currently three to five cents as compared to seven to ten cents per kilowatt hour.

Mr. Bernhardt explained that the alternative would be to build the system, generate the power and sell it on the wholesale market. He noted that the Township would not consume any of the power and would be building a power plant and become a utility. He noted that the challenges are that it is complicated and subject to additional regulatory volatility, however if the Township builds on its own property, behind the meter, there are very few problems.

Mr. Hawk questioned if the concept is more trouble than it is worth. Mr. Bernhardt noted that it is not what was presented to the Township, noting that the Township would be building a generation facility. He noted that the Township would become the broker, selling the power that it generates, or it could partner with a licensed operator, and they would transfer the power to the Township, outside of the two mile radius. He noted if you build behind the meter it is a very simple process, however for this site, the Township would be building a system under three megawatts, so the Township is not subject to the same rules that a large generator would be, however, it is a realm that is very complicated. He noted that the Commonwealth Financing Authority has given away a huge volume of grants for systems like this, and none have been built.

Mr. Hawk questioned what made the \$86 million in projects that ParenteBeard has been involved with viable. Mr. Bernhardt answered that they were all behind the meter. He noted that he will only build onsite, so he would only build for this building to 80% of its consumption behind the meter. He noted that he knows that he can move ahead to build the systems, noting that the larger systems turn into a very complicated situation. He noted that a simple deal with the solar field is much more complicated than a complex deal in real estate. He noted that financially, it does work, if the Township can sell the power wholesale, noting that there are groups who are willing to do it, but he has not run across any. He noted, when he works with the utility companies and generators, they state that they will be willing to partner on the deals, however, they want nothing to do with the electricity. He noted that there is more electric generation than what can be sold, therefore, you would have to go with a smaller generator, find someone who is willing to buy the power, noting that most likely it will be between three cents and six cents per kilowatt. He noted that you would be on a contract basis to sell the power with the third party as opposed to consuming it 100% on your own and not worrying about it.

Mr. Bernhardt noted that the Township could partner with a licensed generator, and they could take over the operations of the system, and sell it back to the municipality for a fee. He noted that they may be able to sell it to the Township for a lower rate than what you are paying, charging between \$0.01 to \$0.05 per kilowatt to do the administrative work. He noted that there has not been a lot of interest in this type of agreement. He noted that Dauphin County is considering a similar project at this time.

Mr. Bernhardt noted that over 85% of the income is generated from sales of the Alternative Energy Credit (AEC). He noted that the municipality has to be comfortable with the free market trading environment and through June 2010, the six-month weighted average price per AEC was \$358. He noted for contracts in the one to three year range, it was \$300 to \$325 per AEC. He noted that a ten year contract is very rare, and with a \$300 AEC you would have 1.3 debt service ratio coverage. He noted if the price of the AEC decreases, it would be closer to the debt service payment or the AEC may increase and provide for a very profitable situation. He noted that the real question is if the Township can sell the electricity wholesale or come up with a creative structure to allow the Swatara Township Treatment Plant to take ownership of the electricity, noting that 85% of the income is derived from the sale of the credits. He noted that the Township has to determine if it is comfortable that the rate would not go lower than \$217 per AEC.

Mr. Hawk noted that there are a lot of if's in what he is hearing.

Mr. Bernhardt noted on page 21, the sources and uses are based upon the presumptions proved by ESI. He noted that it was based upon a price of \$5.60 per panel rating for construction, but he also layered in a years worth of debt service payments, so that is why the price has increased from what ESI had quoted. He noted that the total costs are \$16,780,058, noting that the Township has received a \$3 million grant from the State at 17.88% interest rate, but if a for profit entity builds it they would have another 30% in investment tax credits. He noted that instead of borrowing \$13 million you could knock another 30% off that amount, noting that the AEC price could go much lower; therefore he would be insulated from the risk with higher returns, to have more variability in the credit sales.

Mr. Bernhardt noted that on page 25, the Township would need to borrow \$13.8 million which is 82% of costs providing 1.23 debt service coverage with the loan value of 111%, therefore the minimum REC price required would be \$239. He noted on page 28, based on their experience in building projects, this is what they think it would look like. He noted that they would issue an RFP to construct the system, coming in at a weighted price of \$4.50 for base construction, noting that the inner connection ESI's quote was \$500,000; engineering fees of \$150,000; high voltage fee of \$200,000; and extended warranties of \$239,857. He noted every 10 to 15 years the inverters need to be replaced, and that would cost roughly \$.30 per watt with a 3 million watts system at a cost of \$1 million in additional expenses. He noted for eight cents a

watt, up front, they would purchase the extended warranty that guarantee 98% up time for 20 years. This would avoid buying the inverters from year one to year 20. He noted that the Township would have to purchase another inverter in the year 21. He noted that the costs that ParenteBeard thinks that the Township could build the project for would be \$15,667,889.

Mr. Bernhardt noted that the Carlisle Area School District did a RFP for their project, and it came in at \$4.20 per kilowatt. He noted page 29 shows that the project is feasible. He estimated that the system would produce a little bit less in terms of the output of Kilowatt hours, noting that their estimate is based on systems that run. He noted the assumption of selling electricity at five cents per kilowatt hour, increasing at three percent a year, with a flat AEC at \$300, for the first year, it would generate \$1.3 million, noting that he layered in the ground maintenance at \$7,500 and the insurance quotes of \$30,000 but he did not find a maintenance fee included. He noted that the systems are monitored 24 hours a day at \$29,000 per year; therefore, the total expenses would be \$1,238,522 with a debt service of \$921,000 providing a cumulative cash flow of \$317,000. He noted in the year 21, the cost of the new inverters would be over \$900,000, and if the REC would go to zero for the next ten years, this system would generate \$140,000 per year, noting that the debt service for the first 20 years was \$920,000. He noted if the law is change and there is no REC program anymore, you could very quickly go backwards. He noted that it is all about getting your money out of the project in the first few years, which is what the for-profits are able to do, but not necessarily the non-profits or public entities. He noted that he thinks that ParenteBeard could build the project with a REC priced as low as \$217.

Mr. Bernhardt noted on page 33, there is a comparison of ownership of a system versus doing a Power Purchase Agreement (PPA). He noted that the financial benefits of entering into a PPA are reduced because it does not qualify for net or virtual metering. He noted the benefits are not there for the Township. He noted that the Township could look into reassigning the Commonwealth Financing Authority Grant to a third party who would build and own the system but they can't sell the electricity to the Township unless they are a licensed generator. He noted that the Township could benefit by way of a land lease.

Mr. Bernhardt noted that the system is financially viable, however, because the Township dose not qualify for net or virtual metering, the regulatory environment would make the project challenging. The Township would be responsible for selling the electricity into the grid on a wholesale or retail market, noting that these risks are substantially higher than operating a net

metering system. He noted that it would be a long-term investment with a 20-year debt service noting that the term should be commensurate with the long-term risk.

Mr. Blain noted that it is a good idea; it does provide cash flow when you look at the numbers but due to the regulatory environment it would be overly complicated. Mr. Bernhardt questioned if the municipality wants to be an electric generator without a lot of the regulatory requirements since it is under 3 MW System. He suggested that it would be better for the Township to shift its risk to another party. He noted if the Township found the right person, the CFA \$3 million grant is hugely valuable. He noted that the third party could pay a land lease or sell the electricity for a spread. He noted if you build behind the meter, you have to watch out that the AEC program would not be cancelled and know what the price of the credits would be.

Mr. Wolfe suggested that the next step would be to send the report to ESI and ask them to provide a response analysis and go from there. Mr. Bernhardt noted that he would not abandon the project. Mr. Hawk noted that he does not want to end up owning an incinerator.

Mr. Viehman noted that the Township has a great site and a \$3 million grant and he would recommend exploring it more. He noted if the Township was building at the landfill site, he would not recommend owning it. He noted that the laws were written six years ago and everyone is going out and building monster systems, and the utilities are saying that they want changes. He noted that anything outside the scope of being behind the meter and generating less than what you can consume would be susceptible to regulatory changes.

Mr. Hawk thanked Mr. Viehman and Mr. Bernhardt for their presentation.

Continued discussion regarding a petition from Linglestown
residents to open Raspberry Alley as a public street

Mr. Wolfe noted that the Board of Supervisors have taken ownership of Blackberry Alley from North Mountain Road to Blue Mountain Parkway and Raspberry Alley, 700 linear feet west of Mountain Road. He noted that the petition received for Raspberry Alley would allow the Township to extend the acceptance from North Mountain Road, east to Balthaser Street. He noted that this alley is the most utilized partly because the Township owns the majority of the property frontage as Koons Park. He noted that the alley is not currently a public right of way, more like a driveway used by all property owners including the Township.

Mr. Wolfe explained that he followed a similar process that was used in the acceptance of Blackberry Alley and Raspberry Alley West. He noted that he provided notice to all property owners abutting the alley as it runs from North Mountain Road to Balthaser Street that it would be the topic of discussed during this meeting. He noted if no one is in opposition and if the Board desires to move ahead on this, an ordinance would be prepared to accept this alley as part of the public transportation system. He noted that this would occur during a business meeting in August. He noted that Raspberry Alley East has no property acquisition issues as there is a 15-foot right-of-way between the properties on the north side and the properties on the south side. He explained that 15 feet is the minimum amount of width the Township can accept for an alley. He noted once the ordinance is adopted accepting Raspberry Alley West, it would be public and the Township would be in a position to maintain it.

Mr. Seeds questioned what initiated this request as it was a surprise to him. He noted that, as a property owner, he did not receive his letter. A woman in the audience stated that she got a letter but never knew anything about a petition. Mr. Wolfe explained that the petition came from the Linglestown Merchants Association several months ago. He explained, when action was taken on Raspberry Alley West, he noted that both sides of the alley had different issues, and that he would handle them separately. He noted that the Township has accepted the west side as a public right-of-way, and now he is moving to accept the east side. Mr. Seeds noted that he did not remember the conversation. He questioned the woman in the audience when she received her letter. She answered that she received it on Monday.

Mr. Wolfe explained that a public hearing on the ordinance will be held, and a second letter would be sent to all the property owners notifying them of the public hearing. A woman in the audience requested Mr. Wolfe to explain the 15 feet width to her again. Mr. Wolfe noted that it would be the right-of-way width for the alley from the property on north side to the property on the south side. She questioned which side the Township would have to acquire the property from. Mr. Wolfe explained that there is no need to acquire any property as they already have the necessary 15 feet. Mr. Seeds noted that the road has been improved for years and once the sewer work is done it would be repaved. He noted that he did not see any change that this would have on the residents. Mr. Wolfe noted that it would make very little difference to anyone who lives on the alley, given that the Township has maintained the alley and paved it in the past. He noted

that the ordinance would provide the official right to do this, and since this was done for the two previous alleys, it would be good to have all the paper work in place.

Mr. Seeds noted that he is not opposed to it, noting that the Township currently plows the alley and it may be plowed sooner, but if it is accepted the Township would only own three of the four alleys in the Village of Linglestown. He suggested that the other section of Blackberry Alley should be paved. Mr. Wolfe explained that the Township never received a petition to do that section. Mr. Seeds noted that that part of Blackberry Alley should be done as well. Mr. Wolfe noted that the funding received for alley paving did not include that part of the alley. He noted that it only included three of the four alleys.

Mr. Hornung noted that the problem with Blackberry Alley East is there is no way to exit the alley. He noted that you have to drive within a foot of someone's house to get access to Linglestown Road, and he would not want to create an opportunity for drivers to do that. He noted that there is no appropriate exit out onto Linglestown Road. Mr. Seeds noted that you do the same on Blackberry Alley West near Blue Mountain Parkway as you are very close to residences. Mr. Hornung noted that you are close to some houses but not within a foot. Mr. Wolfe noted that there is a 19 foot right-of-way for Blackberry Alley West, whereas, for the other two alleys it is only 15 feet. He noted that most of Blackberry Alley is 20 feet wide except for the end where it is 19 feet. Mr. Hawk noted that you would have to drive all the way to the area of Balthaser Street to access Linglestown Road. Mr. Hornung noted that it is very awkward to do that.

A person questioned if movable speed bumps could be installed in the alleys. Mr. Wolfe noted that the speed of vehicles on the alleys is an issue and when they are paved, speed tables will be installed.

Mr. Crissman noted that there are no objections to doing this and he requested Mr. Hawk to have Mr. Wolfe place this item on the agenda. Mr. Hawk agreed.

Discussion of waivers requested for the preliminary/final
subdivision plan for Pleasant Meadows

Mr. John Kerschner noted that he is present with Mr. George Parmer and Mr. James Snyder to discuss the Parmer Family Foundation project proposed on Locust Lane. He noted that George and Barbara Parmer own the property, through the Foundation, on Locust Lane across

the street from the Dauphin County Technical School (DCTS). He noted that it is located in a residential cluster zoning district, and is roughly 36 acres in size. He explained that it has been the dream of Mr. and Mrs. Parmer, and the mission of their Foundation to provide housing opportunities in Lower Paxton Township that do not exist today. He noted that it would be for the local elder population that may no longer have the means or desire to own and maintain a large home. He noted that there is nothing in the Township that offers new and efficient housing that is affordable and is geared for folks in their late sixties, seventies or eighties. He noted that the Township does have over-55 communities that have been built and are currently being built, but this project would not be the same. He noted that it is geared for the next level up in age, and will not compete with that market as this project is a not-for-profit project.

Mr. Kerschner noted in the years 2007 and 2008 a project was brought forth with a similar goal that had more units and taller buildings, and although the Board was receptive to the concept, there were some issues that it was too much for the neighborhood. He explained that he went back to the drawing board, and tried to remove as many objections as possible. He noted that the new plan takes this into consideration and is more neighborhood friendly.

Mr. Kerschner noted that the new plan proposes a total of 150 residences with 90 single-detached cottages, and 60 apartment/flat-style units with one and two bedrooms. He noted that the homes would range from 800 to 1,200 square feet for the single story units. He noted that the flats would be located in a three-story building to be located to the rear of the property. He noted that all the buildings will comply with the height limitations in the RC District. He explained that the Foundation is committed to creating an attractive and affordable neighborhood. He noted that it is a non-profit venture for the Foundation to promote affordability for the residents, but it will yield below market rates for housing for the elder population over time.

Mr. Kerschner explained that it is the desire of the Foundation to repurchase the units when they are no longer needed by the resident at a pre-determined price. He noted that the Foundation would refurbish, repaint, install new carpet and put the units back on the market at a cost to recoup what it had spent, and not to go with the appreciation of values on the market over time. He noted as the price of normal real estate market values increases, these values would have a much slower and steady increase. He noted that ten to fifteen years down the road, the real benefit would be found in the affordable housing for well-maintained and efficient homes.

He noted that it is a concept similar to what is found at the Messiah Village and the Brethren Homes; however, it is much smaller in size.

Mr. Hornung questioned if the home could only be sold back to the Foundation. Mr. Kerschner answered yes. He explained that this would be explained to the buyers, up front, using a condominium-type ownership, and it would be spelled out in the agreement as to how much they would get back on the home when they no longer need to live there based upon the number of years they reside in the residence. He noted that the Foundation would pay the home owner or the estate the agreed amount of money to buy the house back. He noted that the house would be restored and put back on the market. He explained that the home owner would not get 100% back for what they paid for it because the Foundation would need funds to refurbish the property. He noted that the Foundation is only looking to cover its costs.

Mr. Crissman questioned if it was purely independent living. Mr. Kerschner answered yes. Mr. Crissman questioned if there is a next step process. Mr. Kerschner answered no. Mr. Parmer explained that he is trying to work out an agreement with Messiah Village to provide more care if needed so that his residents could segway to that facility.

Mr. Hawk questioned if the entire project would be built out at once. Mr. Kerschner answered that it is a one phase project and it would be built based upon the market demands. He noted that the three story building would be built as well as some amenities to provide a benefit for the entire community.

Mr. Hawk explained that he attended a seminar sponsored by the Pennsylvania Department of Community and Economic Development in regards to smart growth in Pennsylvania. He noted that Pennsylvania is losing a lot of its population to the southern states; however it is gaining from areas such as New York and New Jersey because of the better property values. He noted that the statistics show that the industry is building beyond the demand for housing. Mr. Kerschner noted that there is nothing in the marketplace like this in the Township, noting that the homes are similar in size to the homes built near the Municipal Center. He noted that they will have amenities, but the size of the homes will be small. He explained that the existing housing stock is aging, hard to maintain and not energy efficient, therefore, it is a burden on the older persons living in the homes. He noted that from a social aspect, a single person does not experience as much social contact with others, and in many instances family members are looking for places to move the elder family member that is close to facilities. He noted that the

doctors, hospitals, shops, etc. are all located in this area. He noted that the Parmer Foundation will maintain ownership of all the common elements, such as streets and yards, and do all the maintenance for the homes.

Mr. Kerschner explained that the plan was before the Zoning Hearing Board the end of last year and it received the variances needed for the number of homes and the dwelling mix. He noted that the plan was also brought to the Planning Commission during its May and June 2010 meetings. He noted that the plan received a favorable recommendation from the Planning Commission for most of the waivers. He noted that Mr. Snyder will discuss the variances issues with the Board members as soon as he had finished his presentation. He noted that the Board is asked to decide if it would permit the Township to have a non-profit entity create a quality neighborhood for older active adults in an affordable setting.

Mr. Kerschner noted that the streets will be private. Mr. Crissman questioned if it would be a gated community. Mr. Kerschner answered that it would not be a gated community, but it would allow the Foundation to control the parking and the appearance of the streetscape. He noted that it would not create an additional burden on the Township for the maintenance of additional streets. He noted with private streets, it would allow the residents to drive golf carts within the complex. He noted that this is also part of the green aspect. Mr. Crissman questioned if the homes had a garage. Mr. Kerschner answered that the cottages would have two parking spaces, in the form of a garage, carport, open space area, and driveways. Mr. Crissman questioned if there would be additional parking throughout the development for visitors, assuming there would be no parking on the street. He questioned if he had a party on Friday night where would his guests park their cars. Mr. Kerschner answered that the larger gatherings would take place at the community room and they would park at the apartment building. He noted for the smaller gatherings, they could park on the street as most people would only have one car. He noted that the 28-foot cartway does allow for parking on one side of the street. Mr. Crissman noted that the extra parking areas were a requirement for the Amesbury plan.

Mr. Kerschner noted that a walking trail will be installed around the perimeter of the homes for recreational uses. He noted that the walking trail is over 6/10th of a mile. He suggested that the residents would not place too much of a burden on the Township for park use other than having more people in the bleachers to watch grandchildren playing sports. He noted that there will be open space areas along the trail that will have passive elements, with stations to

encourage exercise and flexibility. He noted that he will probably team up with a provider such as Highmark to provide information on what would be appropriate for the age of the residents. He noted that there will be community gardens where residents could plant vegetables or flowers, and a bird and wildlife observation area will be put in place after the site improvements are completed. He noted that there will be outdoor open space areas behind the multi-story building geared for those who may be less ambulatory. He explained that the Township houses many churches, schools, and libraries, all of which are non-profit and he would like this project to be a model, noting that it is a very small project. He explained that it is appropriate for the size and the area.

Mr. Hornung questioned if a bus stop would be installed at the entrance. Mr. Kerschner noted that it would be appropriate to install a shelter for a bus stop as it is on the bus stop location. Mr. Parmer noted that once the project is fully developed he intends to have a bus service for the residents to transport them to the grocery store and other places, and he would like to include a freezer in the back of the bus to keep their cold items frozen. He noted that he wants to make the project convenient for the residents to provide a happy and good lifestyle.

Mr. James Snyder, Snyder, Secary & Associates, explained that the plan was before the Planning Commission and it was recommended for approval with some conditions. He noted that a variety of waivers were discussed but he requested that further discussions be held on the Board level for those waivers. He noted that the plan required nine waivers, four or five pertain to plan size and other similar issues, noting that the discussion needs to revolve around sidewalks, street width and type of curbing. He noted that he would like to use slant curbing as opposed to vertical curbing. He noted that it is more of a friendly curb, lends itself to flexibility in the driveway construction, and has been used in other developments in the Township. He noted that the plan proposes a 28-foot cartway, noting that there was disagreement as to what the ordinance requires. He noted that it is staff's belief that it should be a 36-foot wide cartway for this development; however, he felt that 30-foot was the requirement since it is a measure of lot width. He noted that this development would not have single-family type housing, and he would prefer to use a 28-foot cartway since the use would be less intense than any other residential development. He noted that he would like to have a pedestrian-friendly roadway, with low speeds, and the homes would be located close to the streets. He suggested that he could provide on-street parking on one side or both sides of the street, intermittent throughout the development.

He noted that the parking needs for this development are not very high at all, noting that the typical density is one or two residents per home with one vehicle. He noted for independent living, sometimes it is less than one vehicle per unit. Mr. Crissman noted that he did not agree with that. Mr. Seeds noted that he did not agree with that assumption. Mr. Snyder explained that he provided what the ordinance called for, two parking spaces per unit, with a garage, carport or driveway. He noted that additional parking could be put on the street as well. Mr. Crissman noted that was the first time additional parking was mentioned as it is not shown on the plan. Mr. Snyder noted that it would be on the street. He noted that the high-rise unit is parked at one space per unit, noting that the ordinance also addresses the age of the occupants. He noted, at age 62 and above, the requirement is one space per unit, and for age 70 and above, it is .05 spaces per unit. He noted that the plan errs on the conservative side having one space per unit for the remote structure.

Mr. Snyder noted that the second consideration is a small tear-drop-style cul-de-sac with an interior island as opposed to the standard cul-de-sac. Mr. Hawk questioned if emergency vehicles could negotiate the turning radius. Mr. Snyder answered that he did some turning templates in terms of what can get through the cul-de-sac and it was modeled for such things as a trash truck, a smaller fire engine, and service and utility vehicles. He noted that the Planning Commission had concerns regarding the largest fire apparatus used in the Township. He noted that he would like to install the smaller cul-de-sac.

Mr. Seeds questioned if two cars per home means that the cars would be parked back-to-back in the driveway. He noted that a person would have to move one car to let the other move out of the driveway. Mr. Snyder answered that is correct. Mr. Seeds noted, in many instances, people just park the second vehicle on the street, and you would end up more vehicles parked on the street. Mr. Snyder noted that he anticipates that there will be one car per unit, but the plan accommodates two off-street parking spaces. He noted that the units are very small and they would not accommodate large parties. Mr. Seeds noted that by today's standard 62 is not old, and many people are more mobile, noting that he is going up and down the highway more now than when he was working. He noted that he disagrees with the assumption of one driver and one vehicle per unit. Mr. Snyder noted that the plan is geared more to those in their 70's and 80's. He noted that the concept is reduced size housing for people who can not live on their own.

Mr. Blain noted that the proposal is for a 28-foot cartway and although he likes the plan he wanted to know the reason for the 28-foot cartway versus a 30-foot cartway, questioning if it was an arbitrary decision or does it provide for maximum layout for the plan. He noted that some of the Board members toured a facility in the Hershey area and suggested that Mr. Snyder might want to visit that site. Mr. Kerschner noted that the number of units is not predicated on lot or street width. He explained that he asked Mr. Snyder to look at other projects to determine what works and what does not work. He noted that the first thing Mr. Snyder mentioned was not to suggest 24-foot width streets. He noted that there is nothing to compare to this proposal as there are no neighborhoods in the Township like this. He noted that the Meadowview development did not work with its street width size and he is not sure about Amesbury since it is early in its development. He noted that his project is not geared for that age group, but for older persons. He noted that for the age of the people who will be living in the homes he would prefer to install a curb that elderly people can get over easily, and he noted that 28 feet is adequate for one-side parking with two-way travel. He noted that the narrower road would provide traffic calming, but not as much to create a closed-in aspect like a 24-foot cartway would.

Mr. Blain noted if the Board determines that it cannot accept a 28-foot cartway, would it kill the project or would it mean that the plan would need to be reconfigured. Mr. Kerschner answered when all the decisions are made, then they would have to review all the conditions to determine if it would work. He noted, individually, it may not break the plan, but it would depend on the rest of the conditions. He noted that he wants to keep the housing as affordable as possible, noting that the Foundation has the most to lose. He noted that the success of the market would show if there are deficiencies in the plan, and the Foundation would have the most to lose.

Mr. Blain noted that the Public Works Department does not like slant curb as it provides no reveal for overlays in the future. Mr. Kerschner noted that these will be private roads. He noted when the road needs to be repaved; it would be at the developers cost.

Mr. Hornung questioned if parking would be permitted in the cul-de-sac. Mr. Snyder noted that this was discussed during the Planning Commission meetings and they did not want parking in the cul-de-sac in case there was a fire. He explained that there is 20 feet of one-way cartway around the island so it is fairly wide, and he is using the slant curb to create an internal island that could be mountable if needed. Mr. Hornung noted that a mountable apron is included in the roundabout plan for the Linglestown Square. He noted that it builds up to the landscaping

so if someone had to drive over it they could. Mr. Snyder noted that the slant curb would not be an obstacle and it could be driven over if need be.

Mr. Eric Epstein noted that he had a concern with his stepparents that operate vehicles, noting as they age their skills diminish. He noted that he had a concern with the limited road space and he would have a concern for the older folks and their ability to navigate vehicles especially when it comes to night parking. He noted that a wider space is not a bad thing.

Mr. Hawk noted that there is additional space shown on the plan and he questioned if the slope of the terrain is the deciding factor in making the cul-de-sac smaller. Mr. Snyder noted that he could comply with the ordinance and make it bigger and eliminate the island and pave the area, but it would not be as attractive as something smaller in a teardrop shape with landscaping in the middle. He suggested that it would look much nicer. Mr. Hawk noted that it would be nice as long as you have sufficient space to navigate the fire trucks, ambulances, and other emergency vehicles. Mr. Snyder explained by not permitting any parking in the cul-de-sac, he could get most of the local fire apparatus to navigate the cul-de-sac if he uses slant curbing and locates the landscaping the middle.

Mr. Epstein noted that he had to make a decision for a family member to take away their license, and he raised a concern with people parking on the street and the diminished driving skills that happen to all older drivers if it would be good to have a smaller cartway. He noted that the intention of the Parmer Foundation is noble, but he has a concern regarding street width. Mr. Kerschner suggested that on-street parking would not be a normal daily occurrence, noting that the Foundation owns the streets and they can regulate the streets and add parking restrictions if needed. He noted that the drivers would not be dodging cars and 28 feet is as wide as many Township streets are now.

Mr. Hawk questioned how many waivers the Foundation is requesting. Mr. Snyder noted that overall; there are nine, but only three or four need discussion with the Board members. Mr. Snyder noted that he had two more to discuss with the Boards members. Mr. Levine questioned if it was possible to maintain the teardrop shaped cul-de-sac and still have a 100-foot diameter. Mr. Snyder answered yes. Mr. Levine questioned what the present diameter of the cul-de-sac is. Mr. Snyder answered 80 feet. Mr. Levine questioned if the standard for a cul-de-sac was 100 feet for the emergency vehicles to navigate it. Mr. Snyder answered that the standard is 100 feet paved.

Mr. Snyder noted that he requested a waiver from sidewalk adjacent to the streets in lieu of a walking path. He noted that private streets must be designed for public street standards, however, he is providing a limited amount of sidewalks along streets, but for the most part a pedestrian path will be located along the outside of the development. He noted that it would be more of an amenity as opposed to standard sidewalks. Mr. Crissman noted if he lived in the interior of the development he would have to walk in the street to get to the main building. Mr. Snyder noted that was correct. Mr. Crissman noted that it not a safe condition. Mr. Kerschner noted that the resident would walk to the closest walking path. Mr. Crissman noted, depending on where you live, you would have to walk on the street to get to the walking path. Mr. Blain questioned what the ordinance requirements are for sidewalks. Mr. Wolfe answered that sidewalks would be required on both sides of the streets given the densities. Mr. Crissman noted that he would treat the elderly like he would treat children.

Mr. Blain questioned if the Board was to require interior sidewalks, at least on one side of the street for the people who live in the interior would it have a major impact on the plan. Mr. Kerschner noted that it would depend on the other conditions placed on the plan. He noted if the plan does not receive some relief, it is not practical to do the plan, and after hearing where the Township stands, Mr. Parmer would have to make his final decisions based on all the conditions. Mr. Kerschner noted that his company has been very sidewalk pro-active; putting sidewalks on both sides of the street even where it was not required. He noted that he lives in a community with sidewalks on both sides of the street, and no one except the kids use the sidewalks. He noted that he did not want to make light of that, but there is a pedestrian path and they are making provisions to encourage the use of other modes of transportation, such as a golf cart or jitney. He noted that he did not know if the developer would receive much benefit for that improvement. Mr. Crissman noted that residents would have to walk on the roadway in the main road coming into the development in order to get to one of the pathways, and he did not think that it was a safe condition for an elderly person walking in the street. Mr. Snyder noted that the traffic generated by this development would be much lower. Mr. Crissman noted that any traffic that is going to the main building must travel the main artery where there are no sidewalks, and he did not think it was a safe environment.

Mr. Snyder noted that there are two other waivers for curbing and widening on adjacent streets. He noted that this would pertain mainly to Fairmont Drive. He noted that the property has

frontage on Fairmont Drive, down over the hill, and it does not make sense to widen a short piece of that road. He noted that the roadway is 22 feet wide with steep slopes along the side of the roadway and he requested not to widen the area and relief from installing sidewalks. He noted for a section of land that fronts Locust Lane, from the entrance to the west property line there are some physical limitations in terms of topography as it sits much lower than the adjacent road and a guiderail and a culvert are currently in that location. He requested relief from a sidewalk in that location. He noted that he would provide sidewalk on the rest of the frontage on Locust Lane, widening the road to match the walkway as the entrance will have to be widened for the boulevard design. He explained that the Palmer Foundation is seeking input on these four waivers from the Board members. He noted that the other waivers are relatively minor and have been supported by the Planning Commission.

Mr. Seeds questioned if there was a waiver for Parks and Recreation fees. Mr. Kerschner explained that the plan provides recreational improvements as part of the plan, and they are fulfilling the recreation requirements for the project as part of the plan. Mr. Seeds questioned if the Board could legally do this if they wanted to. He noted that he would have to seek counsel's advice on this. Mr. Kerschner noted that he is not requesting a waiver as they are providing recreation for the residents of the development, noting that the type of recreation that they are providing is age-targeted and it would not put a large burden on the existing Township recreation facilities. He noted that they would prefer to invest the money within the community where it would be better used. Mr. Seeds noted that it would have to meet the Recreation ordinance. Mr. Snyder answered that the ordinance has a provision for land dedication, fee-in-lieu, and other components that are in the Subdivision and Land Development Ordinance and he suggested that it is waiveable by the Board, but as Mr. Kerschner noted he did not think that it would apply to this project since there is no recreational demand.

Mr. Blain questioned if there would be a requirement for a traffic study for this plan. Mr. Wolfe noted that a traffic study is required when the trip generation exceeds 100 vehicles in a peak hour. He noted that would not be the case for this plan. Mr. Snyder noted that they did complete a traffic study and the project does not meet the threshold for a PENNDOT's traffic study. He noted that the Township study is more a function of the units and it showed that the intersection works adequately with acceptable levels of service. Mr. Seeds questioned if the entrance is opposite the entrance to the Dauphin County Technical School. Mr. Blain answered

yes it is. He questioned if Mr. Snyder was saying that there was no need for a formal traffic study and that his calculations for the intersection show that it operate adequately and there would be no traffic problems. Mr. Kerschner explained that a traffic study was completed by Grove Miller Engineers. Mr. Blain noted that the plan does not meet the trip generation requirements for traffic improvements. Mr. Wolfe suggested that the Traffic Study recommended improvements on the opposite side of the road. Mr. Snyder noted that there was a comment about turning lanes at this location and he responded to that comment saying that the proposed development is not generating anywhere near the volumes to warrant turn lanes. He noted that the school traffic provides for a high volume of left and right turns into the school around 7:30 a.m. in the morning. He noted that it is not the proposed developments situation to mitigate. He noted that their peak times are somewhat staggered therefore the study did not recommend any improvements other than geometry and widening along Locust Lane with curbing and a wider shoulder.

Mr. Hawk questioned Mr. Snyder when he would bring this plan before the Board for formal consideration. Mr. Kerschner noted that he had an opportunity to meet with some of their neighbors immediately adjacent to the tract to discuss the plan, providing public notice to them. He noted that he has continued to keep those neighbors abreast of what is going on, and he would plan to bring it to an August Board meeting.

Mr. Hawk noted that the cartway width is a consideration that should be reviewed, possibly changing from 28 feet to 30 feet, knowing that he could argue it both ways. He noted that sidewalks and the turning radius for the cul-de-sac are two other considerations the developer should look into. Mr. Crissman noted that he would like to see auxiliary parking as well. Mr. Hawk noted that he recently visited a development in Florida where they have a 28-foot cartway and the residents use golf carts to get around in and it does seem to work rather well. Mr. Hornung questioned if they permitted parking on the street in that development. Mr. Hawk answered that they did not.

Mr. Epstein questioned how affective golf carts would be in the winter time. He noted that it would be too cold. He noted that the developers began the presentation by saying it would be a desirable place to live due to the amenities but when they asked to waive the Park and Recreation Fee it seems they are not availing themselves to the amenities. He questioned what kind of precedence this would set for other communities. He suggested that they are walling

themselves in stating that they will provide everything the residents need in their development. He noted that he cannot imagine that people living in this development would not use the Friendship Center or the Dog Park or avail themselves to other things in the Township. He noted that he did not think it was a self-sustaining Park and Recreational facility. Mr. Kerschner answered that it is not like any other development in the Township, it is not a single-family development or a Traditional Neighborhood Development, noting that it is a higher density with more people. He noted when he submits plans for traditional developments, he complies with those ordinances. He noted if this was a traditional plan, he would not be here now. He noted that it is the desire of the Foundation to provide housing needs in an affordable way. Mr. Epstein questioned if Mr. Kerschner would concede that some members of the community would be using the recreational facilities of the Township. Mr. Kerschner noted that some of these people would be going to the parks to watch their grandchildren play sports, but it wouldn't be the normal drain that a development would put on recreational uses. He noted that they will use the Friendship Center, but they will have membership costs associated with joining the Center. Mr. Epstein suggested that the developer should make a pro-rated request to state that there will be some outside recreational uses. Mr. Kerschner noted that they would prefer to make the recreational improvements on-site for the age-targeted community.

Mr. Hornung questioned what improvements are planned. Mr. Kerschner noted that they are building a walking trail path, with passive stations, providing for opportunity within the building to have a fitness room, a community gathering area for coordinated events, and the open space area will have gazebos, park benches and viewing areas. He noted that he hopes to create a additional bird watching area along the undisturbed 15 acres to the far north side. He noted that outside the apartment building, there will be passive exercise areas. Mr. Hornung questioned if the fitness center would be free. Mr. Kerschner answered that there would be quarterly dues for all members, but the facility would be free. Mr. Hornung questioned Mr. Kerschner if he has a calculation for what the costs would be for the amenities. Mr. Kerschner answered that he did not. Mr. Hornung noted that it would be necessary to know what the cost estimate would be as part of the ordinance requirements. He noted that the ordinance requires more on-site amenities than a recreation fee. He noted a ball field would be inappropriate, whereas, inside facilities would be more appropriate for this age group. He noted that they need an area to get together.

Mr. Blain explained that he wanted to ensure that there was no miscommunication during this meeting, noting that the Board is not against affordable housing developments such as this. He noted that his two areas of concern are the street width, noting that a 28-foot street width is a little slim and he wants to see sidewalks on one side of the street for the inner parts of the plan. He noted that the Board has done some research on these types of facilities and plans, and no one is against it, he only wants to ensure that they are done right.

Mr. Hornung noted that the developer is trying to keep the cost down by planning narrow streets. He noted in other locations, street have been widened to be used as a walkway, having a lined pedestrian path. He suggested that this may be a happy medium.

Mr. Hawk noted that everyone wants to see it done right, especially since it is a great concept. Mr. Kerschner noted that the workshop provides a good forum to discuss the issues.

Mr. Crissman noted that the concept is excellent, but his two concerns are sidewalks for older people who are walking and additional parking for visitors. He noted that his parents had two parking spaces where they lived, but it is necessary to have extra parking when the family and friends come to visit.

Request to extend the conditional final subdivision approval for Sunnyhill Farms South

Mr. Wolfe explained that Mr. Stine can speak to this matter. Mr. Stine explained that the developer was requesting an extension to their plan approval, however, this past Friday, Governor Edward Rendell signed into law a bill that amended the fiscal code and extended permits and approvals until July 2013. He noted if the permits expired between now and that time, they automatically get an extension and do not have to request it. He noted that Ms. Moran contacted the developer and explained everything to them and they are satisfied.

Review of the plan to pave streets in the Huntfield development

Mr. Wolfe explained that he and Mr. Robbins held a meeting with the residents of the Huntfield development and the purpose of the meeting was to discuss the paving project proposed by Mr. Robbins. He noted that Mr. Blain attended the meeting also. He noted that it is Mr. Robbins intention to reduce the cartway width of the streets in the development, not only to save costs but also to reduce the impervious coverage allowing more infiltration of the stormwater into the ground which is good for the environment.

Mr. Epstein questioned where the Huntfield Development is located. Mr. Robbins answered that it is located in the southern corner of the Township off of Nyes Road near Willoughby Road.

Mr. Robbins explained that he plans to pave this development by October 15th. He noted that the process will be very similar to what was done for Briarsdale Road; doing base repair, spreading a leveling course, and applying a geo-textile fabric with a final wearing course. He noted that Briarsdale Road was milled a foot deep, replaced with six inches of stone, and sealed. He noted he then installed a base course, installed a tack coat, and then put the crown back into the roadway to get the water off to the side. He noted that once the leveling course was installed, they installed the fabric which prevents reflective cracking from coming back through. He noted that they installed a smooth overlay surface on top of that.

Mr. Robbins noted that the Huntfield Development is classified as a minor street that has two 3- foot shoulders with a 34 foot cartway, producing a 40-foot paved section. He noted that it was built with six inches of #4 aggregate, 1 1/2" binder course, and another inch of wearing course. He noted that the shoulders were developed as a PENNDOT Type-3 shoulder, a standard that they no longer use. He noted that the base repair has been completed, and the installation of the leveling course and geo-textile material will prevent further cracking. He explained that the three foot shoulders will be removed on both sides and replaced with grass. He noted that the swale is defined but half of it is located in the blacktop and it should be located in the grass. He noted that there is very little drainage in the development but it works very well.

Mr. Robbins noted that some residents have concerns about the narrowing of the cartway, but once the process was explained they were more understanding of it. He proceeded to show what a repaved driveway entrance would look like. Mr. Blain noted that he attended the meeting and roughly 35 people were in attendance. He noted in the beginning they came in with an attitude that they did not want any changes, but Mr. Robbins did an excellent job of explaining the benefits of what the Township wanted to do and why it was beneficial to do it. He noted that the people may not have been totally happy, but they understood what was going on. Mr. Robbins noted that he met individually with seven people after the meeting, and resolved their issues. He showed pictures of several roads that have been built using 30 foot cartways. Mr. Wolfe noted that the picture shows a 30-foot cartway as opposed to a 28-foot cartway proposed by Mr. Snyder.

Mr. Wolfe questioned if any of the residents indicating strong opposition to the project. Mr. Robbins answered no. He noted that he would be putting a drain on the other side of Mr. Dean's driveway to catch the water.

Mr. Wolfe explained that he is looking for the Board's concurrence with staff to implement the project as proposed, as opposed to repaving the road to its full 40 foot width. Mr. Blain noted that he has not received any phone calls from the residents. Mr. Robbins noted that he made some compromises that made sense. He noted that there is a portion of the roadway where the bank was very steep on both sides and it did not make any sense to pull that portion of the pavement out especially since it is in good shape.

Mr. Seeds questioned if the present drainage will handle the water. Mr. Robbins answered yes. Mr. Hawk noted that it sounded like it was a good meeting, and that it is good that he is not adding any more impervious surfaces.

Presentation of the 2009 Annual Report for the Public Works Department

Mr. Robbins explained that the 2009 Annual Report for the Public Works Department budgeted was \$3,272,314 and he expended \$3,091,242 which put him under budget by \$182,000. He noted that the Township acquired .81 miles of roadway in 2009 through the dedication process. He noted that Mr. Lentz and Mr. Snyder both retired in December 2009 and there were no new hires in 2009.

Mr. Robbins noted in 2009, two new F-350 general service trucks and a 26,000 pound gross vehicle weight dump truck were purchased. He explained that it is a non-CDL truck since it is under the 26,000 pound weight requirement.

Mr. Robbins noted that his Department installed 1,450 linear feet of storm pipe and nine inlets in 2009. He noted that due to staffing issues, it is more difficult to do this work. He noted that last year was a better year than previous years noting that he must dedicate people to get the stormwater work done. Mr. Blain noted that you can clearly see the benefit of this work if you drive on Red Top Road noting that the road surface is in excellent shape in the Township where as in West Hanover Township their section of road is deteriorating as the storm water is not flowing off the road.

Mr. Blain noted that the Township starting charging for access to the Compost Facility in August of 2009 and roughly \$12,490 in fees. He noted that this project is doing very well, and

last Saturday, close to 320 cars used the facility. He noted that it is becoming more and more popular and staff is processing more material every year. Mr. Hawk questioned if it was saving money. Mr. Robbins answered that it is important to get the material into the facility and prevent people from dumping the material in the streams. He noted that his staff monitors what residents are bringing in. He noted that many people come to take materials out. Mr. Hornung questioned if you need a permit to take materials out. Mr. Robbins answered yes, noting that you need a permit to enter the facility. Mr. Hornung questioned if there has been an increase in dumping. Mr. Robbins answered that he has seen a decrease in the dumping, but some compost users do not tarp their materials when transporting material to the facility. Mr. Blain noted that you can follow trails of where the cars have been.

Mr. Robbins explained that he completed a sound study for the facility but he has not meet with the residents of Hodges Heights regarding this issue.

Mr. Robbins noted for winter maintenance, there were 12 storms that required application of salt and anti-skid materials and three of those storms were plowable. He noted that staff used 1,200 tons of salt. He noted that the Board has afforded the Department to buy state of the art equipment and this has allowed staff to cut back on the amount of salt that it uses. He noted if still had the older equipment he would probably have used between 1,900 and 2,300 tons of salt. He noted that he can take further steps to reduce the amount of salt use.

Mr. Robbins noted in 2009 Briarsdale Road was paved from Union Deposit Road to the Sunnyside Lane with base repair and a leveling course, geo-textile fabric, and an overlay was installed. He noted that Prince Street was micro-surfaced. He noted that he used 10,000 pounds of crack sealant in 2009.

Mr. Robbins noted that he has talked about a Pavement Management Program (PMP) and he hopes to get that in the budget for 2011. He noted it is a very critical function to get a good read of the paving network being that it is pushing up to 200 miles. Mr. Blain noted if there would have been a PMP in place they would have been able to get a longer life out of the Huntfield Development, even though it was a sub-standard base. He noted that the cost of asphalt and materials will continue to rise over time; he believes that having a PMP in place will be a good investment for this Board as it will reap savings and results in the future.

Mr. Robbins noted that a PMP would provide the Township with the information as to how to treat a section of road with the right treatment at the right time. He noted that the roads

that must be reclaimed are already known, but it is important to know what roads are 60% to 70% intact, in order to perform low cost maintenance for crack sealing and micro-surfacing to extend their life.

Mr. Robbins noted that he needs to invest more manpower and funding in getting the stormwater projects completed. He noted that there is a lot of pipe that has reached its useful life in the Township and one of the first things you review as you implement a PMP is if the drainage is adequate on the road before you pave it.

Mr. Robbins noted that some traffic signals in the Township are span wires, as opposed to mast arm signals, and the wires have reached their useful life and they need to be replaced. He noted that the I-83 ramp on Union Deposit Road as well as some Route 22 Corridor signals needs to be replaced. He noted that these are capital projects that need to be budgeted.

Mr. Robbins noted that staff moved into the Public Works Building in 1988 with 17 employees and they currently have 34 employees with four or five more parks than they previously had. At that time there was 140 miles of road as compared to 200 miles. He noted that he needs more space to keep the equipment in. He noted in 1980 there were 33,000 people in the Township and since then the Kings Crossing, Lamplight, Meadowbrook, Lingle, and George Parks have been established.

A woman who lives in Colonial Crest questioned when the sewer projects would be completed and when the roads would be repaved. She noted that the roads are really bad. Mr. Robbins explained that once the mainline for the sewers are installed, as well as the laterals, he will assess the roadway. He explained that it is a very wet area where they are digging. He noted that he would assess the roadway this fall but it would not be paved this year. The woman noted that the contractor is not doing a good job with his patch work as the roads are very wavy. He noted that the contractor will be required to fix that before the end of the contract.

Mr. Hornung questioned how important is street cleaning as compared to the other work that needs to be done. Mr. Robbins answered that the residents require it, and he has told Mr. Kline that if he need to pull staff from a sweeper that he could do that. He noted that it takes from April 1st to mid July or early August to sweep the entire Township. He noted that the two sweepers are out during the entire leafing process in the fall as well. He noted that that particular function requires two staff members and each piece of equipment is worth around \$160,000. He noted that he did not know how the Township could get away with not sweeping the roads. He

explained that Mr. Musser starts in Forest Hills and works his way to the lower corner, and Mr. Holsinger starts in the opposite corner and works his way inward. He noted that people always want to know when the crews are coming to their neighborhood. He explained that it is very difficult to schedule this work because they are hampered by staffing and weather. Mr. Hornung questioned if it would be better to repair the streets as opposed to sweeping them, but he understands that there are probably other issues.

Mr. Hornung questioned if Mr. Robbins would prioritize the projects that he would like to get done and provide an estimated cost for each project for the next couple of years. He noted that staff does a great job but there is a limited amount of funds. He noted that the Board needs to work with Mr. Robbins on his priority list. He noted that the cost of the PMP was \$70,000 and he questioned how important that might be in relation to purchasing a truck. He noted that the Board needs to know this for future budget discussions.

Review of the Interim Bridge Safety Report for the Red Top and Jonestown Roads Bridges

Mr. Wolfe noted that the Township has seven bridges that it owns and maintains and typically it receives bi-annual reports on its bridges, but the Red Top Road and Jonestown Road bridges are inspected yearly. He noted that Dauphin County has hired HRG, Inc. to do a county-wide analysis for its bridges, at not costs to the municipalities.

Mr. Robbins noted that Bridge Nine is the bridge over Beaver Creek at Red Top Road. He explained that the last analysis found cracks in portions of the abutment structure that alarmed them so they put this bridge on a one-year inspection cycle. He noted that it is the bridge at Nyes Road. Mr. Wolfe noted that all the bridges except for Jonestown Road and Peiffers Lane look like culverts as they are not very large facilities, however they do carry a significant cost for replacement.

Mr. Robbins noted that Bridge Nine was built in 1950, a single span reinforcement bridge, noting that it is a relatively simple bridge, but there is a need to secure funding to replace the bridge. He noted that it does not have a weight restriction. Mr. Crissman questioned what needs to be done to secure the funding. Mr. Wolfe answered that the bridge needs to be recognized as part of the PENNDOT Transportation Improvement Program, noting that there is Federal and State funding for roadway improvements, and if it is a Federally funded project it is

a 90%/10% local match, or if it is a State-funded project it is an 80%/20% local funding match. He noted that the Township could be a local lead on such a project once funding is obtained. He noted that is how the Peiffers Lane Bridge was funded in the mid 1990's. He noted, at that time, the cost to replace the bridge was \$200,000. He noted that this is a cooperative process through Dauphin County and the Harrisburg Area Transportation Committee, noting that Dauphin County will prioritize the bridge list. Mr. Wolfe noted that securing funds depends on the amount of available funds versus the number of bridges requiring replacement. He noted, at this time, the Township's bridges are not at the top of the list for funding.

Mr. Robbins noted that the estimate from HRG, Inc., to replace the bridge is \$400,000.

Mr. Hornung noted that sometimes a project may be moved up higher on the list if the Township is willing to contribute to the engineering costs, and he questioned if this would help. Mr. Wolfe noted that the process requires a local match of either 10% or 20%, but the Township could benefit by throwing more money at the project, however, this bridge is not the first priority for bridge replacement in the Township.

Mr. Robbins noted that he will continue to monitor this bridge to be in a position to receive funding to offset the costs of replacement when it is necessary.

Mr. Robbins noted that Bridge Ten is located on Jonestown Road over Beaver Creek at the Township line. He noted that it is a two-span reinforced concrete T-beam bridge built in 1925. He noted that \$100,000 worth of repairs has been completed on this bridge to prevent further deterioration, and the estimated to replace this bridge is \$1.3 million.

Mr. Wolfe noted that the bridge is jointly owned by Lower Paxton Township and West Hanover Township and they will split the local match for repairs. Mr. Robbins noted that the bridge's weight rating was reduced from 40 tons to 20 tons. He noted that it is not an ideal situation. Mr. Seeds questioned if there were funds appropriated by PENNDOT to replace it. Mr. Wolfe answered that he attempted to move this bridge higher on their list, but it did not qualify for replacement at that time.

Continued review of a proposed noise ordinance

Mr. Hawk noted that Mrs. Mead made public comment regarding her perspective of the proposed noise ordinance at the Board's most recent business meeting. He noted that SWAN will discuss the noise ordinance further during its July 19th meeting that starts at 7 p.m. at Epiphany Lutheran Church on Colonial Road.

Mr. Hawk noted that the ordinance has caused much discussion within the Township, noting it resulted in an uncomplimentary article in The Paxton Herald. He suggested that the Board is looking for a compromise ordinance that will satisfy as many people as possible without penalizing citizens unnecessarily.

Mr. Wolfe noted that he and PSD Johnson have reviewed the proposed ordinance and revised it to develop the third version that is dated July 9th. He noted that he wanted to ensure that the ordinance reads properly and clarify some confusing points in the ordinance. He noted that he wanted to ensure that it would be an ordinance that would be easy to enforce for a police officer who may be out in the field trying to determine if there is a violation. He noted that previous versions of the draft ordinance have been given to the public, however, this version is marked July 9th and many of the previous copies provided to the public are no longer current. He suggested that the ordinance is almost ready to advertise and he does not want to give out any more copies until it is in the advertised draft version. Ms. Mead requested that the proposed ordinance be placed on the Township website when it is ready to be advertised. Mr. Wolfe noted that it would be.

Mr. Wolfe explained that minor word changes were made to the first two pages. He noted that Section 505.4 has not changed. He noted that Section 505.5 has been rewritten to make it easier to understand. He noted that he made no changes to the time frames or the decibel levels; however the Police Department is taking decibel meters out into the field to determine what a 60 decibel level is and whether they believe it to be loud or not. Mr. Hawk questioned if the decibel levels have been changed. Mr. Wolfe answered the proposed levels are more restrictive than the current Township Ordinance;. Mr. Darwin Aurand noted for the current ordinance, 9 p.m. was the time set for a change in decibel levels and now it is 10 p.m. Mr. Wolfe noted that the different times were a result of PSD Johnson's original draft document. Mr. Seeds noted that there were some restrictions for 9 p.m. and some for 10 p.m. and comments were made that it would be very difficult to remember what was what. Mr. Wolfe explained for the latest version, the definition of nighttime is after 10 p.m.

A woman questioned why there was no difference from weekdays to weekends. Mr. Wolfe noted that the noise ordinance is to restrict noise and day of the week is not pertinent, noting that it would be as loud on a Saturday as it would be on a Tuesday. He noted that the purpose of the ordinance is to regulate noise based upon level. She questioned if the permit

process was still part of the ordinance. Mr. Wolfe answered that there is no permit process in the proposed ordinance.

Mr. Wolfe noted he added paragraph “e” on page four in regards to radios, televisions and stereos. He noted that it had its own section with its own decibel reading and it was different from the standard for other zones and this made no sense. He noted that the intent of the ordinance is to make it easily enforceable for police officers, not having two or three different parameters for enforcements.

Mr. Wolfe noted for exemptions, he added snow blowers and agricultural farming operations; domestic power tools such as lawn mowers and weed trimmers are permitted only between 7 a.m. and 9 p.m.

Mr. Wolfe noted that sound amplifying equipment was moved to where it should be and an outdoor concert is not permitted. He noted that hospitals, schools, and churches, have remained the same as well as emergency signaling devices. Mr. Crissman noted that an exception to amplifying equipment is when a community bands plays at the pavilion. Mr. Wolfe noted that it would be covered as a school or public activity, Section 505.6.f.

Mr. Wolfe noted that Construction and Projects was completely rewritten and moved to other areas within Section 10, Equipment Sound Control Devices. He noted that domestic power tools remained the same, and loading and unloading remained the same. He noted that the motor vehicles section was simplified to three sections, setting a standard for a motorcycles and vehicles, and noting that you cannot remove a muffler.

Mr. Mark Levine questioned how the 95 decibels level would be measured for vehicles. Mr. Wolfe noted if it is not specified, it is at the boundary of the property. Mr. Levine questioned if a Jake Brake is regulated. Mr. Wolfe noted that the ordinance does not mention a specific item, as it measures sound, but he questioned if too much was taken out in Section 505.14. He noted that he must take another look at that. Mr. Stine noted that you cannot regulate the noise created by a Jake Brake since the operation is what it is. He noted that the motor vehicle code cannot prohibit the use of Jake Brakes. Mr. Seeds noted that there are areas that have signs that state that the use of a Jake Brake is illegal. Mr. Stine noted that the signs are not enforceable.

Mr. Wolfe noted that you can't have a dog that barks loudly and consistently.

Mr. Hornung questioned if the two people for a prima facia case can be the husband and wife. Mr. Wolfe answered that it must be two people from two different properties.

Mr. Seeds noted that Section 505-13 reads that “any Residential Zoning District”, but the zones are not defined. He noted that the Township has 11 zoning districts and he questioned if the Business Campus is zoned residential or commercial. Mr. Wolfe answered that it would be a commercial district. Mr. Wolfe noted that Commercial Neighborhood would be commercial but Conservation would be residential. He noted that Commercial General, Light Industrial, and Office Neighborhood would be commercial. He noted that the zoning ordinance defines the zones.

Mr. Seeds noted that he did not understand Section 505.5.C, that the ambient noise was being substituted for Table 1 sound level. Mr. Wolfe explained if you live along the Interstate, in a residential district, the nighttime decibel limit stays at 50 decibel. He noted if the officer take a reading and the noise from the highway is higher than 50 decibel, that it becomes the ambient or background noise, and it becomes the level you enforce to. Mr. Seeds noted if it is already 50 decibels from the traffic and someone is hammering and that is another 40 decibels, wouldn't you add them. Mr. Wolfe noted if the highway is at 50 decibels then it becomes the violation level. Mr. Epstein noted that it would provide flexibility noting that the highway noise could be higher than decibel level permitted by ordinance. Mr. Wolfe noted if someone is making noise at 55 decibel and the highway level is 55, there is no violation, however if they are at 60 with the highway being 55, then they would be in violation. Mr. Seeds noted that they two numbers would have to be added together. Mr. Wolfe answered that is incorrect. Mr. Robbins suggested if you want to make a lot of noise, live by a highway. Mr. Wolfe noted if the standard level is lower than the ambient noise level, the ambient noise becomes the standard. Mr. Seeds questioned how you would measure the individual noise. Mr. Wolfe explained that you would measure the highway noise, the ambient noise level, and then measure both when the noise starts up again.

Mr. Seeds questioned for Section 505-E, what “plainly audible within any multi-family dwelling unit” means. Mr. Wolfe noted in an apartment building setting, the resident next door who plays music or a TV, cannot be louder than a reading of 50 decibels from your apartment and not heard at all between the hours of 10 p.m. and 7 a.m.

Mr. Wolfe questioned if the Board wants to move forward with this version and advertise for a public hearing. Mr. Hawk noted that SWAN is meeting on Monday to discuss the ordinance. Mr. Epstein noted that many of the issues that were raised previously have been addressed. He noted that this ordinance was modeled after the Susquehanna Township

Ordinance, and also using information from the Environmental Protection Agency. He suggested that the Township is as close as it can get. Mr. Hawk noted if the people are relatively satisfied with the ordinance then it should move forward. Mr. Epstein noted that you get to a point where you can't accommodate everyone, and Mr. Wolfe and PSD Johnson have tried to make further revisions to the ordinance as best as they could. He noted that it is a complaint driven ordinance, and provides enforcement for the police. Mr. Wolfe noted that he would email the latest version to Mr. Epstein for his meeting on Monday. Mr. Epstein noted that some people choose to live by things that generate noise, such as a highway, and in some cases, the government has intervene by erecting walls at a great expense to the taxpayers, but there is only so much that you can do. He noted that people will have the opportunity to make comments during the public hearing after the ordinance is advertised.

Mr. Hawk noted that the consensus is to move forward with the public hearing.

A woman in the audience noted that she has talked with 20 residents that were not aware of the noise ordinance. Mr. Wolfe noted that typically no one would know about the ordinance until it is advertised for a public hearing. He noted that ordinance information does not become public until the Board advertises the ordinance. He explained that there happens to be a lot of interest from individuals who have made comments on the previous draft versions.

The same woman indicated that the first draft was very restrictive and she thought that there were already laws in place to address these issues, noting that it seems more like a law enforcement issue for items that are already out there like disorderly conduct or disturbing the peace. She suggested that the ordinance will penalize a lot of people in the Township, it is very restrictive, and there should be existing laws that already handle these problems. She questioned what the impact would be on the average home owner. She noted that she often has 15 teenagers doing line dancing in her backyard. She noted that she heard that there is a fine of \$600 or 90 days in jail for violations of the ordinance. She questioned if there was a warning system. Mr. Hawk noted if too many people are involved in a process, then nothing would get done. He also explained that ordinances are amendable.

Mr. Aurand noted if this ordinance was in effect three years ago, Chief Bair would have been able to help him. He noted that it gives the police a uniform and more consistent standard to help someone who is having a serious problem and who has previously not been able to get that kind of help. He noted that he commends the Township for trying to strengthen the ordinance.

Ms. Mead noted if you have never had any issues with your neighbors and the police have never come to your house, this ordinance should not be a problem. She stated that she does not want the Board members to get bogged down in the details, but to be able to provide the residents a remedy in the event that they are in a similar situation that her family has been involved with and Mr. Aruand's family. She noted that it does not penalize a family if they have a party in their backyard. She noted that it is not about the police patrolling the streets with a sound meter. She noted that this will not change anything unless you are consistently and persistently violating the ordinance. She noted for anyone else, it protects them, and she noted that she does not want any other families to go through what she has gone through.

Mr. Seeds noted that he agreed that the Township needs something better than what it currently has, but he is not sure if this version is too restrictive. He noted that he is not completely sold on it. Mr. Hornung noted that normally, when a police officer receives a complaint, most of the time they issue a warning. He noted if an officer decides to issue a citation, it has to go before the District Magistrate, so it has another review. He noted that it must be a repetitive and flagrant violation.

Mr. Seeds questioned how many people in the room know what a 50 decibels level is. Mr. Aurand noted that he knows what it is as he has his own meter. Mr. Seeds noted that he would like to find out what these sounds levels are. Mr. Hawk suggested that the strength of Mr. Seeds' voice is 50 decibels. Ms. Mead noted that the guidelines issued from the World Health Organization states that 60 decibels is equivalent to a certain sound, and 100 decibels is equivalent to another sound and it also notes that ear damage can occur at those sound levels. Mr. Aruand noted that the distinction is not the decibel level, but if the sound is emanating from 150 to 200 feet away from your property line, that is when it is material that you can record and monitor the decibel level. He noted that a police officer would enter the victim's home and aim the decibel meter towards the property where the sound is coming from. Mr. Seeds questioned if there was any way he could do a test sampling. Mr. Wolfe noted that he would be happy to show him how a decibel meter works and how it registers. He noted that police officers are currently doing an independent study to see if the numbers that he has in the ordinance are appropriate. He noted, once that is done, he would use the meter to show him what the proposed sound levels are like. Mr. Seeds noted that he does not have enough information to be in favor of the ordinance. Mr. Hornung noted that a running push lawn mower is roughly 60 decibels. He noted

that they have to be fewer than 65 decibels by law. He noted that 50 decibel level is pretty loud from your property line. Mr. Aurand noted that there were decibel standards in the current ordinance, but he wants it to be more uniform and to add human voices to the ordinance as well. Mr. Seeds noted if in fact the Township needs this ordinance, it will need to convince many of the public of that, especially if they do not understand what the different sound levels are.

Mr. Hawk noted that one of the arguments that you will have is that the Township only receives about 400 complaints each year for noise. Ms. Mead noted that this will only affect those people who consistently and persistently violate the ordinance. Mr. Seeds suggested that the main perpetrators are automobiles and barking dogs. Ms. Mead explained, in her experience, it has been boom cars, loud revving engines, basses from stereos, and screaming and yelling. Mr. Hawk noted that you want to try to make a reasonable ordinance that is fair and not overly restrictive so if you want to have a pool party in the backyard you do not need to go to the Township to get a permit to do it. Mr. Aurand explained, the last time an officer responded to his home, he stated that he thought the noise was loud, but he did not know how loud it was. He noted that he gave his decibel meter to the officer and it registered 70. He noted that the officer stated that it was louder than the ordinance currently allows. Mr. Seeds noted (if it was that loud, and if 60 is the reading for a lawn mower), he would not be able to understand what someone would be saying if he was running his lawn mower, so he would have to shut the mower off. Mr. Aruand noted that the difference is, for the backside of his home, when he is registering 70 decibel from 150 feet away, that is not a lawn mower running right in front of you, that noise is generated from a distance. Mr. Seeds noted if it was that loud, he did not know how he and the police officer could carry on a conversation. Mr. Aruand noted for the last three years he has had to go in his house or basement to get away from the noise. He noted that you can hear that noise from inside the house. He noted that PSD Johnson has tried to come up with a solution that would help him. Mr. Hornung noted at 70 decibels is very high and it would be difficult to have a normal conversation at that level.

Mr. Crissman noted that Mr. Wolfe is going to make some minor corrections and move forward with it.

Improvement Guarantees, Development Agreement,
Plan Reaffirmations, etc.

Resolution 2010 – 19 – Planning Module for 6690 Linglestown Road

Mr. Wolfe noted that Resolution 2010-19 is a planning module for the Schiavoni Plan for 6690 Linglestown Road. He noted that this plan was before the Board members during a previous workshop session. He noted that it is a small three lot subdivision on the north side of Linglestown Road located at 6690 Linglestown Road. He noted that staff has a recommendation in regard to this planning module that it be approved with the following conditions: 1) Schiavoni, Ltd. shall enter into an agreement with the Township for the operation and maintenance of the forcemain on Linglestown Road and provide \$5,000 to be held in escrow for any future maintenance costs incurred by the Township; and 2) Schiavoni, Ltd. shall provide a shared lateral maintenance and easement agreement, acceptable to the Solicitor, to be recorded with the Deed for each associated lot within the subdivision. Schiavoni, Ltd. shall also provide \$2,500 to the Township to be held in escrow for any future maintenance costs incurred by the Township for the shared laterals. He noted that this is a maintenance condition for the forcemain and the shared lateral. He requested that the planning module be approved with both conditions.

Mr. Crissman made a motion to approve Resolution 2010-19, a planning module for the Schiavoni Plan located at 6690 Linglestown Road with the following conditions: 1) Schiavoni, Ltd. shall enter into an agreement with the Township for the operation and maintenance of the force main on Linglestown Road and provide \$5,000 to be held in escrow for any future maintenance costs incurred by the Township; and 2) Schiavoni, Ltd. shall provide a shared lateral maintenance and easement agreement, acceptable to the Solicitor, to be recorded with the Deed's for each associated lot within the subdivision. Schiavoni, Ltd. shall also provide \$2,500 to the Township to be held in escrow for any future maintenance costs incurred by the Township for the shared lateral. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

“Otta Know” Presentation: Dauphin County Streams;
A Health Report

Mr. Seeds noted that the Dauphin County Streams: A Health Report classified Paxton Creek as a warm water fishery and Spring Creek as a cold water fishery. Mr. Stine explained that it is a classification for a stream, noting that cold water fisheries are more highly protected than warm water fisheries due to the species of fish found in the stream. Mr. Seeds questioned if

it had anything to do with the actual temperature of the water. Mr. Stine answered yes. Mr. Seeds questioned why there is a difference since they are located so close to each other. Mr. Wolfe answered that it could be the volume of water, amount of shade cover, and the headstream feeding the stream. Mr. Robbins noted that a lot of water comes off the mountain feeding into the streams.

Mr. Wolfe noted that Paxton Creek is an impaired stream and now the Department of Environmental Protection is looking to de-list Paxton Creek as an impaired stream. Mr. Seeds questioned if the Environmental Protection Agency is also looking to do this. Mr. Wolfe answered that they have not made a decision yet. Mr. Hornung questioned if Mr. Wolfe could explain the inconsistency. Mr. Wolfe answered that he could not. Mr. Seeds questioned what the temperature is for the water in the streams. Mr. Epstein noted that the streams are cold. Mr. Seeds questioned if it is a 20 degree temperature difference.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 9:20 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary